

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

DOLORES GALINDO,

Plaintiff(s),

v.

AMERICAN AIRLINES,

Defendant(s).

No. C 03-3671 PJH

**REVISED CASE MANAGEMENT  
AND PRETRIAL ORDER**

The August 1, 2005, trial date having been VACATED, trial is tentatively rescheduled for September 12, 2005, trailing another previously scheduled case. The court will advise the parties as soon as possible whether this date is firm or not. The following pretrial instructions supersede any prior instructions.

**PRETRIAL SCHEDULE**

TRIAL DATE: Monday, , at 8:30 a.m., Courtroom 3, 17th Fl.  
JURY ☒ COURT ☐

TRIAL LENGTH: No more than 8 days.

**PRETRIAL INSTRUCTIONS**

A. FINAL PRETRIAL CONFERENCE

1. Each party shall attend personally or by counsel who will try the case.

2. **Not less than forty (40) calendar days** prior to the pretrial conference, all counsel and/or parties shall meet and confer regarding preparation of the joint pretrial statement.

3. **Not less than thirty (30) calendar days** prior to the pretrial conference, counsel and/or parties shall:

- a. Serve and file a **joint** pretrial statement. (Separately filed statements will not be accepted by the court and monetary sanctions will be imposed upon the party failing to cooperate in the preparation of a joint statement).

The pretrial statement shall include the disclosures required by Fed. R. Civ. P. 26(a)(3) as well as the following:

- (i) A brief description of the substance of the claims and defenses which remain to be decided.  
(ii) A detailed statement of all relief sought, itemizing all elements of damages claimed.

- 1 (iii) A statement of all relevant undisputed facts to which the parties will  
2 stipulate for incorporation into the trial record without the necessity  
3 of supporting testimony or exhibits.
- 4 (iv) A statement of all relevant disputed facts which remain to be  
5 decided.
- 6 (v) A statement of stipulations requested or proposed.
- 7 (vi) A brief statement of disputed points of law concerning liability and  
8 relief. Legal argument on these points shall be reserved for the trial  
9 briefs.
- 10 (vii) A statement of whether bifurcation or a separate trial of specific  
11 issues is feasible and desired.
- 12 (viii) A statement summarizing the status of settlement negotiations and  
13 indicating whether further negotiations are likely to be productive.
- 14 b. Serve and file trial briefs (not to exceed 25 pages), which shall specify each  
15 cause of action and defense remaining to be tried along with a statement  
16 of the applicable legal standard (no opposition shall be filed);
- 17 c. Serve and file motions *in limine*, which shall be contained in one document  
18 and shall not exceed 25 pages:
- 19 d. Serve and file a list of deposition excerpts for witnesses who will not testify  
20 in person, (specifying the witness, page and line references) and other  
21 discovery responses that will be offered at trial;
- 22 e. Serve and file a list of all witnesses to be called at trial, in person or by  
23 deposition, other than solely for impeachment or rebuttal, with a brief  
24 statement describing the substance of the testimony to be given;
- 25 f. Serve and file a numerical list of exhibits that will be offered as evidence in  
26 a party's case in chief in support of a claim or defense, with a brief statement  
27 describing the substance and purpose of each exhibit and the name of the  
28 sponsoring witness;
- g. Exchange exhibits which shall be premarked, tabbed and in binders. Plaintiff  
shall use numbers (1, 2, 3, etc.) and defendant shall use numbers preceded  
by a letter (A-1, A-2, A-3, etc.). Additional parties shall also use a letter  
preceding numbers (B-1, B-2, B-3, or C-1, C-2, C-3, etc.).
- h. Submit two sets for jury trials and three sets for court trials of all premarked  
exhibits to the Clerk's Office (exhibits are not filed);
- i. Serve and file any request regarding the treatment of confidential or sealed  
documents.
- j. Serve and file proposed joint voir dire questions and joint jury instructions for  
cases to be tried by jury;
- k. Serve and file proposed findings of fact and conclusions of law for cases to  
be tried by the court.
- l. Serve and file a proposed verdict form which contains no reference to  
submitting party.

4. No party shall be permitted to call any witness or offer any exhibit in its case in chief that is not disclosed in these pretrial filings without leave of court and for good cause.

5. **Not less than fifteen (15) calendar days** prior to the pretrial conference, counsel and/or parties shall serve and file any opposition to a motion *in limine*. No replies shall be filed. All motions shall be heard at the pretrial conference unless otherwise ordered. The parties shall not file separate objections, apart from those contained in the motions *in limine*, to the opposing party's exhibit list or discovery designations.

#### C. JURY TRIAL

Jury Selection shall proceed as follows: The Jury Commissioner will summon 20 to 25 prospective jurors. The Courtroom Deputy will select their names at random and seat them in the courtroom in the order in which their names are called. Voir dire will be conducted of sufficient venire members so that six to eight will remain after all peremptory challenges and an anticipated number of hardship dismissals and cause challenges have been made.

The court will then take cause challenges and discuss hardship claims at side bar. The court will inform counsel which hardship claims and cause challenges will be granted, but will not announce those dismissals until the selection process is completed. Peremptory challenges will be made in writing and passed between counsel. The court will strike at one time those with meritorious hardship claims, those excused for cause, and those challenged peremptorily, and then seat the first six to eight people remaining in numerical order.

The attached voir dire questionnaire shall be given to the venire members and copies of the responses will be made available to counsel at the beginning of voir dire. Counsel shall submit a **joint set** of additional voir dire questions to be posed by the court. Any voir dire questions on which counsel cannot agree may be submitted separately. Counsel will be permitted brief follow-up voir dire after the court's questioning.

The following jury instructions from the Ninth Circuit Manual of Model Jury Instructions Civil (2001 Edition) shall be given absent objection: 1.1 - 1.14, 2.1 - 2.2, 3.1 - 3.3, 3.5 - 3.7, 4.1 - 4.4. Counsel shall submit a **joint set** of case specific instructions using the Ninth Circuit Manual where appropriate. Do not submit duplicates of those instructions listed above. Any instructions on which counsel cannot agree may be submitted separately. Each instruction shall be typed in full on a separate page with citations to the authority upon which it is based **and** a reference to the party submitting it. A second blind copy of each instruction shall also be submitted omitting the citation to authority and the reference to the submitting party, but retaining the title of the instruction.

#### D. TRIAL SCHEDULE

The court's trial schedule is 8:30 a.m. to 1:30 p.m. with two fifteen-minute breaks, on Monday, Tuesday, Thursday and Friday.

IT IS SO ORDERED.

Dated: June 8, 2005



PHYLLIS J. HAMILTON  
United States District Judge

CONFIDENTIALJUROR QUESTIONNAIRE

Please fill out this form as completely as possible and print clearly. This will assist the judge and the lawyers in selecting a jury and will save time for them and for you. Because copies will be made for the attorneys and the judge, do not write on the back of any page. If you need more room, continue at the bottom of the page. Thank you for your cooperation.

1. Your name: \_\_\_\_\_

2. Your age: \_\_\_\_\_

3. City in which you reside: \_\_\_\_\_

4. If you have lived there for fewer than five years, where did you live before:

\_\_\_\_\_

5. Your place of birth: \_\_\_\_\_

6. Your marital status: (circle one)

single      married      separated      divorced      widowed

7. What is your occupation and how long have you worked in it?  
(If you are retired, please describe your main occupation when you were working).

\_\_\_\_\_

\_\_\_\_\_

8. Who is (or was) your employer? \_\_\_\_\_

9. If you have held this job for fewer than five years, describe your previous job:

\_\_\_\_\_

10. If you are married, please list your spouse's occupation.

\_\_\_\_\_

11. If you have children, please list their ages and genders and, if they are employed, please give their occupations.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

12. Please describe your education background:

Highest grade completed: \_\_\_\_\_

College and/or vocational schools you have attended:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Major areas of study: \_\_\_\_\_

13. Have you served in the military? \_\_\_\_\_

14. Have you ever had jury experience? \_\_\_\_\_ No. of times? \_\_\_\_\_

If yes: State/County Court \_\_\_\_\_ Federal Court \_\_\_\_\_

When? \_\_\_\_\_

Was it a civil or criminal case? \_\_\_\_\_

Did any of the juries reach a verdict? \_\_\_\_\_